

**Senate File 2276 - Introduced**

SENATE FILE 2276  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO SSB 3150)

**A BILL FOR**

1 An Act relating to the standards for land surveying, including  
2 requirements for recorded document formatting, monument  
3 preservation certificates, and retracement plats of survey.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.606B, Code 2016, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3A. *a.* Each document or certificate  
4 prepared by a licensed professional land surveyor and presented  
5 for recording, including a plat of survey or a drawing related  
6 to a plat of survey, shall contain an index legend. However,  
7 this requirement shall not apply to a United States public land  
8 survey corner certificate described in section 355.11.

9 *b.* Each document or certificate prepared by a licensed  
10 professional land surveyor and presented for recording,  
11 including a plat of survey or a drawing related to a plat  
12 of survey, shall include a blank rectangular space three and  
13 three-fourth inches in width and two and one-half inches in  
14 height reserved and delineated for the county recorder's use,  
15 unless the document is attached to a cover sheet approved by  
16 the governing board of the county land record information  
17 system.

18 Sec. 2. Section 355.1, Code 2016, is amended by adding the  
19 following new subsections:

20 NEW SUBSECTION. 9A. "*Public improvement project*" means  
21 a project relating to the construction of the principal  
22 structures, works, component parts, and accessories of any of  
23 the following:

24 *a.* Underground gas, water, heating, sewer,  
25 telecommunications, and electrical connections located  
26 in streets for private property.

27 *b.* Sanitary, storm, and combined sewers.

28 *c.* Waterworks, water mains, and extensions.

29 *d.* Emergency warning systems.

30 *e.* Pedestrian underpasses or overpasses.

31 *f.* Drainage conduits, dikes, and levees for flood  
32 protection.

33 *g.* Public waterways, docks, and wharfs.

34 *h.* Public parks, playgrounds, and recreational facilities.

35 *i.* Clearing, stripping, grubbing, earthwork, erosion

1 control, lot grading, street grading, paving, graveling,  
2 macadamizing, curbing, guttering, and surfacing with oil and  
3 gravel or chloride.

4 *j.* Street lighting fixtures, connections, and facilities.

5 *k.* Sewage pumping stations.

6 *l.* Traffic control devices, fixtures, connections, and  
7 facilities.

8 *m.* Public roads, streets, and alleys.

9 NEW SUBSECTION. 9B. "*Retracement plat of survey*" means a  
10 graphical representation of a survey of one or more parcels  
11 or tracts of land prepared by a licensed professional land  
12 surveyor and described by an existing recorded property  
13 description used for the transfer of land.

14 Sec. 3. NEW SECTION. 355.6A **Monument preservation**  
15 **certificate.**

16 1. If during the construction of a public improvement  
17 project the governmental entity or other organization  
18 responsible for the public improvement project determines that  
19 a monument is likely to be disturbed or removed, the entity  
20 or organization shall hire or cause to be hired a surveyor to  
21 locate and preserve, in the manner provided in this section,  
22 the monuments likely to be disturbed or removed. However,  
23 any United States public land survey corner monuments that  
24 are within the construction corridor of a public improvement  
25 project shall be preserved and replaced pursuant to section  
26 355.11.

27 2. *a.* The surveyor shall review all relevant documents of  
28 record, including those retained by federal, state, county,  
29 and city offices, necessary for locating the monuments likely  
30 to be disturbed or removed. The surveyor shall also conduct  
31 a field survey of the construction corridor to locate such  
32 monuments and preserve their positions and, if applicable,  
33 their elevations.

34 *b.* Following the completion of the public improvement  
35 project, the surveyor shall replace any monument disturbed or

1 removed at its preserved position pursuant to section 355.6,  
2 subsection 1. Elevation shall be preserved, if applicable,  
3 by using appropriate survey methods to determine a relative  
4 elevation on a nearby physical structure.

5 *c.* If the replacement of a monument at the preserved  
6 location is unsafe or impractical, the surveyor may, in lieu  
7 of establishing a reference monument, use a federal, state,  
8 county, or city geographic coordinate system to preserve the  
9 position.

10 3. The surveyor shall prepare a monument preservation  
11 certificate to record and identify a monument location  
12 preserved under this section. Multiple monuments preserved  
13 for the same public improvement project may be identified on  
14 a single certificate. The size of each sheet making up the  
15 certificate shall not be less than eight and one-half inches  
16 by eleven inches. The monument preservation certificate shall  
17 include, at a minimum, the following information:

18 *a.* A description of the public improvement project and the  
19 jurisdiction or organization under which the certificate was  
20 prepared.

21 *b.* A description of the land on which the monument is  
22 located within, including the section number, township, range,  
23 county, quarter section description, and official plat name,  
24 if applicable.

25 *c.* A description of the monument prior to being disturbed  
26 or removed, including but not limited to its size, shape,  
27 material, and color. However, the surveyor shall not be  
28 required to state the significance of any such monument.

29 *d.* A description of the procedure used to preserve the  
30 position of the monument. When a federal, state, county, or  
31 city geographic coordinate system is used to preserve the  
32 position of the monument, such description shall include  
33 a coordinate listing and elevation, if applicable, of all  
34 coordinate system access monuments used and the official name  
35 of the system, along with the geographic datum to which the

1 coordinate system is referenced.

2 *e.* A description of the replacement monument after being  
3 preserved, including but not limited to its size, shape,  
4 material, and color. However, the surveyor shall not be  
5 required to state the significance of any such replacement  
6 monument.

7 *f.* Where the elevation of a monument is preserved, a  
8 description of the monument prior to and after replacement,  
9 including the relative elevation and a minimum of three  
10 reference ties.

11 *g.* A plan-view site drawing depicting the monument with  
12 reference to the physical surroundings and natural or man-made  
13 objects in sufficient detail to facilitate the preservation  
14 of the monument, including project control, nearby monuments,  
15 street or highway centerlines, project corridor right-of-way  
16 lines, trees, fences, or structures.

17 *h.* A statement by the surveyor certifying that the work  
18 was performed by the surveyor or under the surveyor's direct  
19 personal supervision, which shall be signed and dated by the  
20 surveyor and bear the surveyor's Iowa license number and  
21 legible seal.

22 4. *a.* The monument preservation certificate shall be  
23 filed with the county recorder pursuant to section 331.606B,  
24 subsection 4, no later than thirty days after the certificate  
25 is signed by the surveyor.

26 *b.* The county recorder shall index the monument preservation  
27 certificate according to the township, range, section number,  
28 and quarter section on which the monument is located within.  
29 If the monument is located within an official plat, the county  
30 recorder shall index the certificate alphabetically by the  
31 official plat name.

32 *c.* The index legend affixed to such certificate shall  
33 include the following information:

34 (1) The surveyor's name, mailing address, and other contact  
35 information.

1 (2) The name of the governmental entity or other  
2 organization under which the surveyor provided the professional  
3 service.

4 (3) The aliquot part or parts of the United States public  
5 land survey system or portion of official plat that the  
6 monument is located within.

7 (4) The name of the governmental entity or other  
8 organization requesting the monument preservation certificate  
9 pursuant to this section.

10 (5) Information necessary for the county recorder to return  
11 the certificate.

12 5. *a.* A monument preservation certificate shall not be  
13 prepared in lieu of a plat of survey or acquisition plat where  
14 a true land boundary survey is required.

15 *b.* A monument preservation certificate shall not be prepared  
16 for the identification or establishment of survey corners or  
17 right-of-way corners.

18 *c.* The surveyor preparing a monument preservation  
19 certificate shall be liable only for the accuracy or placement  
20 of the replacement monument and not for the accuracy or  
21 placement of the original monument.

22 Sec. 4. NEW SECTION. **355.7A Retracement plats of survey.**

23 A retracement plat of survey shall be made, showing  
24 information developed by the survey, for each land survey  
25 performed for the purpose of surveying an existing recorded  
26 description of one or more parcels or tracts of land and shall  
27 not be used for the division of land. Each retracement plat of  
28 survey shall conform to the following provisions:

29 1. The original plat drawing shall remain the property of  
30 the surveyor.

31 2. The size of each plat sheet shall not be less than eight  
32 and one-half inches by eleven inches.

33 3. The scale of the plat drawing shall be clearly stated and  
34 graphically illustrated by a bar scale on every plat sheet.

35 4. An arrow indicating the northern direction shall be shown

1 on each plat sheet.

2 5. The plat shall show that the survey is a correct  
3 representation of the recorded description of the parcel  
4 or tract. The plat shall show, clearly and unequivocally,  
5 the method used by the land surveyor to locate the recorded  
6 description of land.

7 6. *a.* The plat shall show the lengths and bearings of  
8 the boundaries of the parcels surveyed. The course of each  
9 boundary line shown on the plat may be indicated by a direct  
10 bearing reference or by an angle between the boundary line and  
11 an intersecting line having a shown bearing, except when the  
12 boundary line has an irregular or constantly changing course,  
13 as along a body of water, or when a description of the boundary  
14 line is better achieved by measurements shown at points or  
15 intervals along a meander line or an offset line having a shown  
16 course. The bearings shall be referenced to a United States  
17 public land survey system land line or recorded subdivision  
18 line. If the boundary lines show bearings, lengths, or  
19 locations which vary from those recorded in deeds, abutting  
20 plats, or other instruments of record, the following note shall  
21 be placed along the lines:

22 Recorded as (show recorded bearing, length, or location).

23 *b.* Bearings and angles shown shall be given to at least the  
24 nearest minute of arc.

25 7. The plat shall show and identify all monuments necessary  
26 for the location of the parcel and shall indicate whether the  
27 monuments were found or placed.

28 8. If United States public land survey system corners  
29 control the land description, the corners shall be clearly  
30 identified on the plat including a description of the  
31 monumentation and shall indicate whether the monuments were  
32 found or placed.

33 9. Control monuments shall be adequately described and  
34 clearly identified on the plat and noted as found or placed.

35 10. Distance shall be shown in decimal feet in accordance

1 with the definition of the U.S. survey foot. Distance  
2 measurements shall refer to the horizontal plane.

3 11. Curve data shall be stated in terms of radius, central  
4 angle, and length of curve, and as otherwise specified by local  
5 ordinance. In all cases, the curve data must be shown for the  
6 line affected.

7 12. The unadjusted error of closure shall not be greater  
8 than one in five thousand for an individual parcel.

9 13. If any part of the surveyed land is bounded by an  
10 irregular line, that part shall be enclosed by a meander line  
11 or an offset line showing complete data with distances along  
12 all lines extending beyond the enclosure to the irregular  
13 boundary, and shown with as much certainty as can be determined  
14 or as "more or less", if variable. In all cases, the true  
15 boundary shall be clearly indicated on the plat.

16 14. The acreage shall be shown for each parcel or tract  
17 included in a retracement plat of survey to the nearest  
18 one-hundredth acre. If a parcel or tract described as part of  
19 the United States public land survey system and not entirely  
20 within an official plat lies within more than one forty-acre  
21 aliquot part of a section, the acreage shall be shown only  
22 for assessment and taxation purposes for each portion of the  
23 parcel that lies within each forty-acre aliquot part. The  
24 surveyor shall not be required to establish the location of  
25 the forty-acre aliquot line by survey but is required to use  
26 reasonable assumptions in determining its approximate location  
27 for assessment and taxation purposes. If appropriate, areas  
28 of parcels or tracts of less than one acre may be expressed in  
29 square feet to the nearest ten square feet.

30 15. The plat shall be captioned to show the date of the  
31 survey, and shall be accompanied by a description of the  
32 parcel.

33 16. The plat shall contain a statement by a surveyor that  
34 the work was done and the plat was prepared by the surveyor  
35 or under the surveyor's direct personal supervision, shall be

1 signed and dated by the surveyor, and shall bear the surveyor's  
2 Iowa license number and legible seal.

3 Sec. 5. Section 355.10, subsection 1, Code 2016, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. c. To retrace an existing recorded  
6 description of a parcel or tract of land.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the standards for land surveying.

11 The bill establishes formatting requirements for a document  
12 prepared by a land surveyor and presented for recording  
13 with the county recorder in Code section 331.606B. The  
14 bill requires any such document to contain an index legend,  
15 except if the document is a United States public land corner  
16 certificate. The bill also requires that a document prepared  
17 by a land surveyor for recording that is not attached to  
18 an approved cover sheet include a blank rectangular space  
19 3.75 inches wide and 2.5 inches tall reserved for the county  
20 recorder's use, unless attached to a cover sheet approved by  
21 the governing board of the county land record information  
22 system.

23 The bill provides that if during the construction of a  
24 public improvement project, as defined in the bill, the  
25 governmental entity or other organization responsible for the  
26 project determines that a monument is likely to be disturbed,  
27 the entity or other organization must hire a land surveyor to  
28 locate and preserve any monuments likely to be disturbed, other  
29 than a United States public land survey corner monument.

30 The bill requires the surveyor to review all relevant  
31 documents to locate any monuments likely to be disturbed and  
32 to conduct a field survey of the construction corridor to  
33 preserve the position and, if applicable, the elevation of any  
34 such monuments. The bill requires the surveyor to replace  
35 any monuments disturbed after the project is completed in

1 the manner provided by current law. If the replacement of a  
2 monument at the preserved location is unsafe or impractical,  
3 the surveyor may use a federal, state, county, or city  
4 geographic coordinate system to preserve the position instead  
5 of establishing a reference monument.

6 The bill requires the surveyor to prepare a monument  
7 preservation certificate to record and identify a monument  
8 preserved pursuant to the bill. Multiple monuments preserved  
9 in the same public improvement project may be identified on the  
10 same certificate, which must be composed of a sheet or sheets  
11 not less than 8.5 by 11 inches in size.

12 The certificate must include the following information at  
13 a minimum: a description of the public improvement project  
14 and organization under which the certificate was prepared,  
15 a description of the land on which the monument is located  
16 within, a description of the monument prior to being disturbed,  
17 a description of the procedure used to preserve the position  
18 of the monument, a description of the replacement monument  
19 after being disturbed, a description of the monument where the  
20 elevation was preserved, a plan-view site drawing depicting the  
21 monument with reference to the nearby physical surroundings  
22 and objects, and a signed and dated statement by the surveyor  
23 certifying that the surveyor performed or directed the work.

24 The bill requires the certificate to be filed with the  
25 county recorder no later than 30 days after it is signed by  
26 the surveyor. The county recorder shall index the certificate  
27 according to the monument's location, or alphabetically if  
28 located within an official plat.

29 The index legend affixed to the certificate must include  
30 the surveyor's name and contact information, the name of the  
31 organization under which the surveyor provided the service,  
32 the aliquot part or parts of the United States public land  
33 survey system or portion of official plat that the monument  
34 is located within, and the name of the governmental entity or  
35 other organization requesting the certificate.

1 The bill prohibits a certificate to be prepared in lieu  
2 of a plat of survey or acquisition plat where a true land  
3 boundary survey is required or to be prepared to identify or  
4 establish survey corners or right-of-way corners. The surveyor  
5 preparing a certificate shall only be liable for the accuracy  
6 or placement of the replacement monument.

7 The bill requires a land surveyor to prepare a retracement  
8 plat of survey for each land survey performed for the purpose  
9 of surveying an existing recorded description of land.

10 The bill defines "retracement plat of survey" to mean a  
11 geographical representation of a survey of one or more parcels  
12 or tracts of land prepared by a land surveyor and described in  
13 an existing recorded property description used for the transfer  
14 of land.

15 The bill specifies the form of a retracement plat, including  
16 requirements for the sheet size, scale, and geographic  
17 direction markers. The retracement plat must show that the  
18 survey is a correct representation of the recorded description  
19 and indicate the method used to locate the description.

20 The bill requires the retracement plat to indicate the  
21 lengths and bearings of the boundaries of the surveyed land,  
22 including references to United States public land survey system  
23 land lines and recorded subdivision lines. If the boundary  
24 lines are different than those in other recorded instruments,  
25 the surveyor must make note of such as specified in the bill.

26 The bill requires the retracement plat to identify and  
27 describe all monuments and control monuments on the surveyed  
28 land, including United States public land survey system  
29 corners.

30 The bill requires distance to be shown in decimal feet and  
31 curve data to be stated in terms of radius, central angle, and  
32 length of curve. The unadjusted error of closure shall not be  
33 greater than one in 5,000 for an individual parcel.

34 The bill provides that if any part of the surveyed land  
35 is bounded by an irregular line, that part shall be enclosed

1 by a meander line or offset line with as much certainty as  
2 can be determined, provided that the true boundary is clearly  
3 indicated on the plat.

4 The bill requires acreage to be shown for each parcel of  
5 land surveyed on the retracement plat to the nearest 0.01 of  
6 an acre. If a parcel that is part of the United States public  
7 land survey system and not entirely within an official plat  
8 lies within more than one 40-acre aliquot part of a section,  
9 the acreage shall be shown for each portion that lies within  
10 each 40-acre aliquot part as located by reasonable assumptions.  
11 Areas of parcels of less than one acre may be expressed in  
12 square feet.

13 The bill requires the retracement plat to be captioned,  
14 dated, and accompanied by a description of the parcel. The  
15 retracement plat must also include a signed and dated statement  
16 by the surveyor certifying that the surveyor performed or  
17 directed the work.

18 The bill adds a retracement plat to the list of documents  
19 that a surveyor must record with the county recorder no later  
20 than 30 days after signature. The bill provides that the  
21 surveyor shall retain the original plat drawing.